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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD



03-06-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #01

Moosehead Breweries Limited)
Opposer,)
v.)
Cruiserino's LLC,)
Applicant.)

Opposition No. 154,614

Serial No. 76/334,729

ANSWER TO NOTICE OF OPPOSITION

Cruiserino's LLC ("Applicant"), a limited liability company of Wisconsin with an address of 19 West Munroe, Lake Delton, Wisconsin 53940, hereby answers the Notice of Opposition filed by Moosehead Breweries Limited ("Opposer"):

Paragraph 1: Applicant is without sufficient information to form a belief regarding the allegations stated in Paragraph 1, and thus Applicant denies such allegations, leaving Opposer to its proof of such allegations.

Paragraph 2: Applicant is without sufficient information to form a belief regarding the allegations stated in Paragraph 2, and thus Applicant denies such allegations, leaving Opposer to its proof of such allegations.

Paragraph 3: Applicant admits that, according to the online records of the federal Trademark Office, Opposer is the owner of record of the trademark registrations listed in Paragraph 3, and that ownership of a federal registration creates a presumption of validity of and exclusive rights in the registered mark. However, Applicant is without sufficient information to form a belief regarding the remaining statements made in Paragraph 3, and thus Applicant denies such allegations, leaving Opposer to its proof of such allegations.

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Paragraph 4: Applicant is without sufficient information to form a belief regarding the allegations stated in Paragraph 4, and thus Applicant denies such allegations, leaving Opposer to its proof of such allegations.

Paragraph 5: Applicant is without sufficient information to form a belief regarding the allegations stated in Paragraph 5, and thus Applicant denies such allegations, leaving Opposer to its proof of such allegations.

Paragraph 6: Applicant is without sufficient information to form a belief regarding the allegations stated in Paragraph 6, and thus Applicant denies such allegations, leaving Opposer to its proof of such allegations.

Paragraph 7: Applicant admits the allegations made in Paragraph 7.

Paragraph 8: Applicant acknowledges that it did not use its mark MOOSEJAW PIZZA & BREWING CO. prior to the filing of the application being opposed herein. However, Applicant is without sufficient information to form a belief regarding the remaining allegations made in Paragraph 8, and thus Applicant denies such allegations, leaving Opposer to its proof of such allegations.

Paragraph 9: Applicant is without sufficient information to form a belief regarding the allegations stated in Paragraph 9, and thus Applicant denies such allegations, leaving Opposer to its proof of such allegations.

Paragraph 10: Applicant denies the allegations stated in Paragraph 10.

Paragraph 11: Applicant acknowledges that the services listed in the application being opposed herein have some relationship to the beverage products identified in Paragraph 3 of the Notice of Opposition, although Applicant denies that such relationship is sufficiently close to support a conclusion that confusion is likely between Applicant's mark MOOSEHEAD

PIZZA & BREWING CO. and any of Opposer's claimed marks identified in the Notice of Opposition. Applicant is without sufficient information to form a belief regarding the remaining allegations stated in Paragraph 11, and thus Applicant denies such allegations, leaving Opposer to its proof of such allegations.

Paragraph 12: Applicant acknowledges that registration of its mark MOOSEJAW PIZZA & BREWING CO. would provide Applicant with at least a prima facie exclusive right to the registered mark. Applicant denies the remaining allegations stated in Paragraph 12.

WHEREFORE, Applicant respectfully requests that the Opposition be dismissed and the registration sought by Applicant be granted.

Respectfully submitted,

FOLEY & LARDNER

Dated: 3/3/03

By

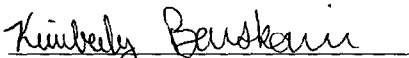


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CERTIFICATE OF MAILING

I, Kimberly Barskaitiki, hereby certify that this document, pursuant to 37 C.F.R. § 1.8, is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on this 3rd day of March, 2003.


Kimberly Barskaitiki

CERTIFICATE OF SERVICE

I, Kimberly Barskaitiki, hereby certify that a copy of this document is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Daniel T. Earle, Esq., Shlesinger, Arkwright & Garvery LLP, 3000 South Eads Street, Arlington, Virginia 22202, counsel for the Opposer, on this 3rd day of March, 2003, for service upon Opposer.


Kimberly Barskaitiki